

# Wetlands Bureau Decision Report

Decisions Taken  
07/28/2008 to 08/03/2008

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 20 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to Lawrence E. Morse, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

## MAJOR IMPACT PROJECT

\*\*\*\*\*

**2006-01373                      NH DEPT OF TRANSPORTATION**  
**BARTLETT   Saco River & Cow Brook**

Requested Action:

SECOND AMENDMENT request to:

Impact an additional 2,795 sq. ft. to restore 130 linear feet of river bank (845 sq. ft.) and channel (1,950 sq. ft.) to their historic locations.

\*\*\*\*\*

Inspection Date: 09/22/2006 by Gino E Infascelli

APPROVE AMENDMENT:

Relocate the intersection of West Side Road, widen Rte. 302 to 12 ft. lanes with 4 ft. shoulders, replace the Conway Scenic Railroad and Saco River bridges on alignment; replace a 48 in. culvert with a 7 ft. x 3.5 ft. box culvert about 50 feet to the west rerouting flow 100 feet; reconstruct drainage and install a 12 in. water main utilizing temporary detours and bridges impacting a total of 88,437 sq. ft. of streams, banks, and palustrine wetlands (53,583 temporary). Replace/ relocate approximately 1,875 sq. ft. of palustrine wetlands.

Impact an additional 2,795 sq. ft. to restore/ stabilize 130 linear feet of river bank (845 sq. ft.) and channel (1,950 sq. ft.), impacted by the temporary center pier, using stone and recovered bank humus along with loam, seed and native vegetation back to their historic locations. NHDOT project #13043.

With Conditions:

- 1a. All work shall be in accordance with revised plans by NHDOT as received by the Department on October 18, 2006;
- 1b. All work relative to the second permit amendment shall be in accordance with plans by NHDOT Bureau of Highway Design as received by the Department on July 14, 2008.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans (ECP) to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. The ECP shall also include detailed sequencing and turbidity monitoring plan for the installation of the water line. The turbidity monitoring reports and details shall be submitted to the DES Watershed Bureau as required.
4. Revegetation shall be in accordance with the amended application and attachments (received on October 18, 2006) relative to DES Wetland Bureau rules Env-Wt 404, except as described in the attachment referencing Wt 404.04(e), where the length of riprap is misstated.
5. In the area for the Saco River bridge replacement, the temporary construction impacts to forested wetlands near STA 237 to 240 shall be limited to 818 sq. ft. and this wetland shall be protected utilizing orange construction fencing for the duration of construction.
6. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
7. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.
8. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
9. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
10. Temporary cofferdams shall be entirely removed immediately following construction.
11. Construction equipment shall not be located within surface waters unless specifically allowed.
12. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

13. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
14. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
15. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
16. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
17. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
18. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
19. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
20. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
21. The impacts associated with the temporary work shall be restored immediately following construction.
22. The wetland soil to be utilized for wetland construction/ relocation shall be stockpiled out of jurisdiction and shall be located in an area where it will not be temporarily buried.
23. Wetland creation and enhancement areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or it shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
24. Wetland creation and enhancement areas shall be properly constructed, landscaped, monitored and remedial actions taken that may be necessary to create functioning wetland areas similar to those of the wetlands destroyed by the project. Remedial measures may include replanting, relocating plantings, removal of invasive species, changing soil composition and depth, changing the elevation of the wetland surface, and changing the hydraulic regime.
25. The NHDOT shall monitor the initial construction of the mitigation area to assure the work is accomplished in accordance with the plan, and that the necessary soil, water and vegetation are present upon completion of work. Site monitoring shall include a plan for removing invasive species and shall be reviewed by the Wetlands Bureau prior to implementation.
26. The NHDOT shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining these follow-up measures and a schedule for completing the remedial work shall be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the initial completion of each mitigation site. After at least five full growing seasons, the NHDOT shall delineate the wetlands within the mitigation site and document the delineation with data forms and depict the delineation as an overlay of the final as built plans.
27. Impacts not mitigated in this approval shall be identified in accordance with Env-Wt 302.03 and an appropriate compensation plan submitted to the DES Wetlands Bureau by July 1, 2007 for approval.

**ADDED CONDITIONS:**

28. The DES Wetlands Bureau file is to be notified at least 48 hours in advance to the start of the restoration phase and within 5 days of the completion of the restoration.
29. The downstream limits of the restoration area to be located/ marked prior to construction.
30. Restoration shall be during low flow.
31. The reconstructed top of bank shall not extend beyond the original top of bank.
32. Reference cross sections shall be used to implement restoration to the appropriate channel depths, river cross section and river profile.
33. As-built cross sections and a report including photographs shall be submitted to the file within 30 days of the completion of the restoration.

**With Findings:**

1. This is a major impact project per Administrative Rule Wt 303.02(c and i), alteration of more than 20,000 sq. ft. of non-tidal wetlands and more than 200 linear feet of streams.

2. The second amendment will restore the abutter's land and the channel to pre-construction contours.

**2007-00889                      MCBEATH HARVEY, REBECCA**  
**PORTSMOUTH   Salter's Creek**

Requested Action:

Construct a tidal docking structure consisting of a 4' x 65' permanent pier connecting to a 3' x 30' ramp connecting to a 12' x 36' float, overall structure length 128', providing two full-sized slips (as defined by RSA 482-A:2, VIII (a)), on 250' of frontage on the Back Channel of the Piscataqua River.

\*\*\*\*\*

Inspection Date: 07/16/2007 by David A Price

APPROVE PERMIT:

Construct a tidal docking structure consisting of a 4' x 65' permanent pier connecting to a 3' x 30' ramp connecting to a 12' x 36' float, overall structure length 128', providing two full-sized slips (as defined by RSA 482-A:2, VIII (a)), on 250' of frontage on the Back Channel of the Piscataqua River.

With Conditions:

1. All work shall be in accordance with revised plans by NHSC Environmental Inc., dated 10/22/2007, as received by the Department on 10/25/2007.
2. Any future work in jurisdiction as specified in RSA 482-A on this property will require a new application and approval by the Department of Environmental Services ("DES") Wetlands Bureau.
3. This permit shall not be effective until recorded at the Rockingham County Registry of Deeds Office by the permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain in until the area is stabilized.
5. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
6. Construction of this tidal docking structure consisting of a 4' x 65' permanent pier connecting to a 3' x 30' ramp connecting to a 12' x 36' float, overall structure length 128', providing two full-sized slips (as defined by RSA 482-A:2, VIII (a)), on 250' of frontage on Portsmouth Tax Map 207 Lot 53 on the Back Channel of the Piscataqua River shall be the only dock structure on this water frontage and all portions of the dock shall be at least 20 ft. from abutting property lines or the imaginary extension of those lines into the water. The existing, non-conforming dock located elsewhere on the property shall be removed prior to the commencement of construction of the new dock.
7. Work shall be done during low tide.
8. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
9. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
10. Float stops shall be used to prevent the float from sitting on the substrate at low tide.

With Findings:

1. This is a major impact project per Administrative Rule Wt 303.02(a), projects in sand dunes, tidal wetlands, or bogs, except for the repair of existing structures pursuant to Wt 303.04(v).
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01. There is currently a sub-standard non-conforming dock on the frontage that the applicant wishes to replace in a different location on the property.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03. The permanent pier is constructed to cross the vegetated tidal resource. The ramp and floats are seasonal, and the structure is the minimum length necessary to reach usable water on the Piscataqua River, and is consistent with docks recently approved in the immediate vicinity.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a) and (c), Requirements for Application Evaluation, has been considered in the design of the project. The species of concern reported by the NH Natural

Heritage Bureau in the greater project vicinity include marsh elder and common tern, which are located on various back channel islands and not at this location; and the peregrine falcon was reported associated with the Memorial Bridge, not at or near the property. This project has been reviewed by the Pease Development Authority Division of Ports and Harbors which determined that the project would have no negative effect on navigation, per letter dated 4/30/2007; and the dock is proposed to be located greater than 20 feet off the abutting property lines.

5. The Portsmouth Conservation Commission recommended approval of the application.
6. This dock is consistent with other tidal dock approvals in the seacoast.
7. DES staff field inspection on 7/16/2007 found that the site is accurately represented in the application.
8. National Marine Fisheries Service ("NMFS") reviewed the file on 7/17/2008, and recommended reducing the float size; DES has conditioned the permit to include float stops as requested by NMFS.

-Send to Governor and Executive Council-

**2008-00543                      KING, BRENDA & GERALDINE**  
**NASHUA   Prime Wetland**

**Requested Action:**

Impact 1,247 sq. ft. in previously developed uplands within 100 feet of a designated prime wetland to construct a 28' X 28' garage and a 14' X 33' breezeway to an existing dwelling to accommodate the needs of the residents.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

The Nashua Conservation Commission approved the project with local stipulations and thereby recommends approval of the DES permit.

**APPROVE PERMIT:**

Impact 1,247 sq. ft. in previously developed uplands within 100 feet of a designated prime wetland to construct a 28' X 28' garage and a 14' X 33' breezeway to an existing dwelling to accommodate the needs of the residents.

**With Conditions:**

1. All work shall be in accordance with plans by Blue Moon Environmental, Inc. dated April 1, 2008, as received by DES on April 07, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. The deed for Tax Map 130, lot 107 having any portion of within the 100 foot Prime Wetland Buffer or Prime Wetland shall include the conditions of this permit.
4. The applicant shall notify in writing the DES Wetlands Bureau Southeast Region staff and the Nashua Conservation Commission of the intention to start construction no less than five (5) business days prior to the commencement of construction.
5. The boundaries of the 100-foot prime wetland buffer shall be clearly marked with orange construction fencing prior to construction, shall be remain marked until construction is complete and the work area is fully stabilized.
6. The boundaries of the 100-foot prime wetland buffer shall be permanently and clearly marked with signs every 75 feet to indicate the location of and restrictions on the area.
7. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
8. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
9. A land resource professional shall inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will

occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
6. The approved plans and conditions of the permit provide for a 75 foot buffer around the Prime Wetland area.
7. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
8. Based on the site inspection and meeting held on June 17, 2008 by the Nashua Conservation Commission, the project involves minimum or negligible environmental impacts.
9. Based on the findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.

**2008-00553                      NH DEPT OF TRANSPORTATION**  
**MERRIMACK    Souhegan River**

Requested Action:

Rehabilitate and widen the bridge by 30 feet to provide safety improvements and repair embankment slopes impacting a total of 83,530 sq. ft. of river, banks and emergent wetland (28,235 temporary).

\*\*\*\*\*

Conservation Commission/Staff Comments:

Cons. Comm. notes no concerns.

Souhegan River LAC notes no concerns ; requests DOT cooperate with Town's efforts to create and improve pedestrian trails and that river identification signs as a protected NH river be erected on both sides of the bridge

Inspection Date: 06/24/2008 by Gino E Infascelli

APPROVE PERMIT:

Rehabilitate and widen the bridge by 30 feet to provide safety improvements and repair embankment slopes impacting a total of 83,530 sq. ft. of river, banks and emergent wetland (28,235 temporary). NHDOT project #12105.

With Conditions:

1. All work shall be in accordance with plan sheets 4 and 5 of 5 by NHDOT Bureau of Bridge Design revised 5-22-08 as received by the Department on June 26, 2008 and sheets 6, 7 and 8 of 9 showing the water quality basins as received by the Department on April 10, 2008.
2. This permit is contingent upon the submission of a project specific stream diversion and erosion control plans to the DES Wetlands Bureau. Those plans shall detail the timing and method of stream flow diversion during construction, and shall show the temporary siltation, erosion and turbidity control measures to be implemented.
3. This permit is contingent upon the submission of stamped engineering plans relative to and specifically for the bank stabilization design in accordance with Rule Env Wt 404.04.
4. Dredged material shall be placed out of the DES Wetlands Bureau jurisdiction.
5. Unconfined work within the river, exclusive of work associated with installation of a cofferdam, shall be done during periods of low flow.

6. Cofferdams shall not be installed during periods of high flow, whether due to seasonal runoff or precipitation. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Prior to commencing work on a substructure located within surface waters, a cofferdam shall be constructed to isolate the substructure work area from the surface waters.
8. Temporary cofferdams shall be entirely removed immediately following construction.
9. Construction equipment shall not be located within surface waters.
10. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; and c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
11. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
12. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
13. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
14. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Matting and pinning shall stabilize slopes steeper than 3:1.
15. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
16. Extreme precautions to be taken within riparian areas to limit unnecessary removal of vegetation during road construction and areas cleared of vegetation to be revegetated as quickly as possible.
17. There shall be no further alteration to wetlands or surface waters without amendment of this permit.
18. Standard precautions shall be taken to prevent import or transport of soil or seed stock from nuisance, invading species such as purple loosestrife or Phragmites.
19. The impacts associated with the temporary work shall be restored immediately following construction.
20. The applicant shall coordinate with the Souhegan River Local Advisory Comm. relative to the locations of signs noting this protected river.
21. The fence line is to be located to allow mammals to travel under the bridge.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(c) and (i), disturbance of more than 20,000 sq. ft. of nontidal wetlands or banks and more than 200 linear feet of impacts to a stream.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. DES Staff conducted a field inspection of the project area on June 24, 2008. Field inspection determined that approximately 40,000 sq. ft. of the work area will stabilize existing slopes, some of which are severely eroded.
6. The project will improve public safety.
7. Natural Resource Agency meetings were held at the NH Dept. of Transportation on May 18, 2005 and March 18, 2008 to coordinate the project.
8. Management of the plant species noted by the NH Natural Heritage Bureau is being coordinated and the known locations will be fenced off during construction.
9. Improvements to existing drainage structures and construction of new water quality treatment structures are expected to prevent any increase in pollutant loading to the river.
10. After reviewing the Dredge and Fill application file, the DES finds that this project does not require a Comprehensive Shoreland Protection Act permit per rule Env-Wq 1406.03 (a), as the department has determined the property owner has incurred substantial liabilities in a reasonable, good faith reliance on the absence of a controlling law or regulation, sometimes called vested rights.
11. DES finds that this project will not have a significant impact on these palustrine and riverine resources and are not at areas of substantial public interest where issues have been raised pursuant to RSA 482-A:1, therefore, a public hearing is not required.

**2008-00697                      HASELTINE, ASHLEY/NICHOLAS**  
**SALEM   Porcupine Brook / Salem Prime Wetland**

**Requested Action:**

Perform construction and demolition activities totaling 9,925 sq. ft. (5,925 sq. ft. permanent; 4,000 sq. ft. temporary impacts) on a previously developed upland site for work associated with the removal of the existing fire damaged dwelling and the construction of a new dwelling located within 100 feet of a designated prime wetland.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

"The Salem Conservation Commission wishes to advise [DES] that it has completed its review of the above referenced application, including a site visit, and has voted to recommend approval of the application and plans as submitted."

**APPROVE PERMIT:**

Perform construction and demolition activities totaling 9,925 sq. ft. (5,925 sq. ft. permanent; 4,000 sq. ft. temporary impacts) on a previously developed upland site for work associated with the removal of the existing fire damaged dwelling and the construction of a new dwelling located within 100 feet of a designated prime wetland.

**With Conditions:**

1. All work shall be in accordance with plans by SFC Engineering Partnership, Inc. dated 5/15/2008, as received by DES on May 20, 2008.
2. NH DES Wetlands Bureau Southeast Region staff and the Salem Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. The deed for Tax Map 105, Lot# 7726 having any portion of the lot within the 100 foot Prime Wetland Buffer or Prime Wetland shall include the conditions of this permit.
5. The boundaries of the 100-foot prime wetland buffer shall be clearly marked with orange construction fencing prior to construction, shall be remain marked until construction is complete and the work area is fully stabilized.
6. The boundaries of the 100-foot prime wetland buffer shall be permanently and clearly marked with signs every 75 feet to indicate the location of and restrictions on the area.
7. Erosion controls shall be properly installed and maintained and the construction sequence shall be performed in accordance with the approved plans. It is the responsibility of the permittee to ensure that the erosion controls are adequate for the site.
8. There shall be no dredging, removal, or disturbance of any existing vegetative undergrowth within the 100-foot prime wetland buffer.
9. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
10. A land resource professional shall inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to prime wetlands designated under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. Redevelopment of this upland residential site will have no adverse impact on the adjacent designated prime wetlands.



**2008-00772                      DRAPE, ROBERT**  
**ENFIELD Prime Wetland**

**Requested Action:**

Dredge and fill approximately 132 sq. ft. of wetlands and stream bank for construction of four wetland and stream crossings (includes three crossing within and adjacent to Enfield Prime Wetland #10) along an existing hiking trail known as "Colette Trail".  
\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill approximately 132 sq. ft. of wetlands and stream bank for construction of four wetland and stream crossings (includes three crossing within and adjacent to Enfield Prime Wetland #10) along an existing hiking trail known as "Colette Trail".

**With Conditions:**

1. All work shall be in accordance with plans and narratives submitted by Alan Strickland, as received by DES on May 12, 2008.
2. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
3. Work shall be done during low flow.
4. All work in wetlands shall be conducted by hand.
5. No machinery shall enter wetlands or surface waters.
6. The project shall be constructed following the Best Management Practices for Erosion Control During Trail Maintenance and Construction (2004) published by the Dept. of Resources & Economic Development.
7. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by the Department of Environmental Services, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
8. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

**With Findings:**

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. A New Hampshire Certified Wetland Scientist has provided a stamped wetland delineation plan for the crossing areas.
6. The plans accurately locate the boundary of the wetlands and prime wetlands.
7. The proposed project will alleviate erosion and compaction created by the existing foot traffic/trail that passes directly through the wetlands.
8. The trail provides public access and educational value.
9. A section of the trail is being moved outside of wetlands.
10. There will be no mature tree removal and minimal removal of vegetation for the new crossings and relocated trail section.
11. The project is being conducted as a cooperative project between the Upper valley Trails Alliance, Enfield Conservation Commission, the property owner, and Scout Troop #44.
12. The Scout Troop will be conducting the work as part of one member's Eagle Scout Leadership Service requirement.
13. The Troop only has until the end of August to complete the project.
14. Conducting the work in late July and August under low flow and dry conditions will likely result in the least amount of wetlands impacts.
15. A public hearing was held at the Department on July 17, 2008. No one in opposition to this project attended the public hearing.
16. Based on findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.
17. The applicant has requested a waiver to Administrative Rule Env-Wt 704.01.
18. Pursuant to Env-Wt 204 the Department hereby grants the waiver of Wt 704.01 for the following reasons:

1. Findings 1-15 demonstrate that the project will not have an adverse effect to the environment or natural resources of the state, public health, or safety.
2. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
3. The applicant has received approval from the local conservation commission and no opposition has been submitted to the Department regarding the project and no one in opposition to the project was present at the public hearing.

Any party may apply for reconsideration with respect to any matter determined in this action within 20 days from the date of this notification. A motion for reconsideration must specify all grounds upon which future appeals may be based, and should include information not available to the Department when the decision was made. The Department may grant reconsideration if, in its opinion, good reason is provided in the motion.

**2008-00807                      INNSEASON RESORT**  
**LINCOLN   Unnamed Wetland**

**Requested Action:**

Fill 26,760 square feet of man-made stream channel and tail race that flow from a former mill building (impacting 852 linear feet) to re-develop the property as a resort/lodging facility under the DES & EPA Brownfields Program. Mitigate impacts by making a one time payment of \$64,812.14 to the DES Aquatic Resource Mitigation (ARM) Fund - Pemigewasset River watershed.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Mitigate impacts by making a one time payment of \$64,812.14 to the DES Aquatic Resource Mitigation (ARM) Fund - Pemigewasset River watershed.

**APPROVE PERMIT:**

Fill 26,760 square feet of man-made stream channel and tail race that flow from a former mill building (impacting 852 linear feet) to re-develop the property as a resort/lodging facility under the DES & EPA Brownfields Program. Mitigate impacts by making a one time payment of \$64,812.14 to the DES Aquatic Resource Mitigation (ARM) Fund - Pemigewasset River watershed.

**With Conditions:**

1. All work shall be in accordance with plans by Hoyle, Tanner & Associates, Inc dated March 18, 2008, as received by DES on May 16, 2008.
2. This approval is contingent on approval by the DES Terrain Alteration Bureau.
3. This approval is contingent on receipt by DES of a one time payment of \$64,812.14 to the DES Aquatic Resource Mitigation (ARM) Fund. The payment shall be received by DES within 120 days of the date of the approval letter or the application will be denied.
4. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Work shall be done during low flow conditions.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting

and pinning on slopes steeper than 3:1.

12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

15. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

#### With Findings:

1. This is a major impact project per NH Administrative Rule Env-Wt 303.02(c), as wetland impact is greater than 20,000 square feet.

2. The need for the proposed impacts has been demonstrated by the applicant per Rule Env-Wt 302.01.

3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Rule Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.

5. The applicant has reviewed on-site options for mitigation and the department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.

6. The payment calculated for the proposed wetland loss equals \$64,812.14.

7. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).

8. The payment into the ARM fund shall be deposited in the DES fund for the Pemigewasset River watershed per RSA 482-A:29.

9. In accordance with RSA 428-A:8, DES finds that the requirements for a public hearing do not apply as the permitted project is not of substantial public interest, and will not have a significant impact on or adversely affect the values of the riverine resource, as identified under RSA 482-A:1.

## MINOR IMPACT PROJECT

\*\*\*\*\*

**2007-02282                      KJ FRANCE ROAD EXTENSION LLC**  
**EPPING   Unnamed Wetland**

#### Requested Action:

Dredge and fill 17,500 sq. ft. of disturbed wet meadow/shrub wetland for commercial lot development; dredge and fill 500 sq. ft. of wetland for temporary construction access.

Approve as mitigation Alternative Mitigation proposal as detailed in Memorandum of Understanding dated June 10, 2008, as received by DES on June 23, 2008, as executed between KJ France Road Extension LLC, and the Town of Epping, to conduct riverbank restoration, shoreland buffer enhancement and stormwater quality improvements on the Lamprey River on Town of Epping property at the Town Hall location.

\*\*\*\*\*

Inspection Date: 10/16/2007 by Jeffrey D Blecharczyk

#### APPROVE PERMIT:

Dredge and fill 17,500 sq. ft. of disturbed wet meadow/shrub wetland for commercial lot development; dredge and fill 500 sq. ft. of

wetland for temporary construction access.

Approve as mitigation Alternative Mitigation proposal as detailed in Memorandum of Understanding dated June 10, 2008, as received by DES on June 23, 2008, as executed between KJ France Road Extension LLC, and the Town of Epping, to conduct riverbank restoration, shoreland buffer enhancement and stormwater quality improvements on the Lamprey River on Town of Epping property at the Town Hall location.

With Conditions:

1. All work shall be in accordance with plans by Jones & Beach Engineers Inc. dated 9/14/2007, as received by DES on 9/21/2007.
2. This permit is contingent upon the execution of the alternative compensatory mitigation plan as detailed in Memorandum of Understanding dated June 10, 2008, as received by DES on June 23, 2008, as executed between KJ France Road Extension LLC, and the Town of Epping, to conduct riverbank restoration, shoreland buffer enhancement and stormwater quality improvements on the Lamprey River on Town of Epping property at the Town Hall location.
3. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee for both the KJ France property, and the Town of Epping property as location of the compensatory mitigation for this project. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
4. The schedule for construction of the mitigation area shall coincide with site construction unless otherwise considered and authorized by the Wetlands Bureau.
5. The mitigation area shall be properly constructed, monitored, and managed in accordance with approved final mitigation plans.
6. The permittee shall designate a qualified professional who will be responsible for monitoring and ensuring that the mitigation areas are constructed in accordance with the mitigation plan. Monitoring shall be accomplished in a timely fashion and remedial measures taken if necessary. The Wetlands Bureau shall be notified in writing of the designated professional prior to the start of work and if there is a change of status during the project.
7. The permittee shall notify DES and the local conservation commission in writing of their intention to commence construction no less than 5 business days prior to construction.
8. The permittee or a designee shall conduct a follow-up inspection after the first growing season, to review the success of the mitigation area and schedule remedial actions if necessary. A report outlining the status and progress of the mitigation work, any remedial follow-up measures and a schedule for completing the remedial work, shall all be submitted by December 1 of that year. Similar inspections, reports and remedial actions shall be undertaken in at least the second and third years following the completion of each mitigation site.
9. Wetland (creation/restoration) areas shall have at least 75% successful establishment of wetlands vegetation after two (2) growing seasons, or shall be replanted and re-established until a functional wetland is replicated in a manner satisfactory to the DES Wetlands Bureau.
10. Wetland soils from areas vegetated with purple loosestrife shall not be used in the wetland creation site. The potential for the establishment of the invasive species should be considered in other areas where spoils may be spread to limit its further establishment.
11. The permittee shall attempt to control invasive, weedy species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*) by measures agreed upon by the Wetlands Bureau if the species is found in the mitigation areas during construction and during the early stages of vegetative establishment.
12. A post-construction report documenting the status of the completed mitigation project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
13. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
14. All temporary fill shall be removed, the area shall be regraded to original contours and restored following completion of work.
15. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
16. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
17. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
18. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

19. Work shall be done during low flow.

20. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h), alteration of less than 20,000 sq. ft. in the aggregate of non-tidal wetlands which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The applicant is providing upgraded urban stormwater management as a result of the development on a lot that is surrounded on 4 sides by commercial development and is already highly disturbed. The applicant is further offsetting the impacts by providing an alternative compensatory mitigation plan which improves the quality of the Lamprey River ecosystem by conducting riverbank restoration, shoreland buffer enhancement and stormwater quality improvements on public property adjacent to the Lamprey River. This proposal meets the criteria for acceptable alternative mitigation proposals pursuant to Env-Wt 803.06.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project. The species of concern reported by the NH Heritage Bureau are in the vicinity of the mitigation enhancement area, and will benefit from the stormwater and shoreline buffer improvements of the alternative mitigation plan.
5. The Epping Conservation Commission recommends approval of the project, and very strongly supports the Alternative mitigation proposal enhancing the Lamprey River Corridor at the currently degraded Town Hall property.

**2007-02700                      SCALLEY, DAVID**  
**WHITEFIELD   Unnamed Wetland**

Requested Action:

Dredge and fill approximately 4,400 sq. ft. of wetlands for access to a proposed 5-lot residential subdivision. Work in wetlands consists of installation of three wetlands crossing for upgrades to the existing road: Wetland Impact "A" consisting of 1,060 sq. ft. of wetlands impact for installation of two culverts, one 15 in. x 33 ft. HDPE culvert, associated filling, grading and headwalls and one 15 in. x 32 ft. HDPE culvert, associated filling, grading and headwalls; Wetland Impact "B" consisting of 2,822 sq. ft. of wetlands impact for installation of a two 15. in. x 41 ft. HDPE culverts, associated filling, grading and headwalls; Wetlands Impact "C" consisting of 518 sq. ft. of wetlands impact for installation of a 15 in. x 41 ft. HDPE culvert, associated filling, grading and headwalls.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill approximately 7,300 sq. ft. of wetlands (includes retaining 2,900 sq. ft. of previous impact) for access to a proposed 5-lot residential subdivision. Work in wetlands consists of installation of three wetlands crossing for upgrades to the existing road: Wetland Impact "A" consisting of 3,960 sq. ft. of wetlands impact (includes 2,900 sq. ft. previous impact) for installation of two culverts, one 15 in. x 33 ft. HDPE culvert, associated filling, grading and headwalls and one 15 in. x 32 ft. HDPE culvert, associated filling, grading and headwalls; Wetland Impact "B" consisting of 2,822 sq. ft. of wetlands impact for installation of a two 15. in. x 41 ft. HDPE culverts, associated filling, grading and headwalls; Wetlands Impact "C" consisting of 518 sq. ft. of wetlands impact for installation of a 15 in. x 41 ft. HDPE culvert, associated filling, grading and headwalls.

With Conditions:

1. All work shall be in accordance with plans by Associated Consulting Civil Engineers PLLC., dated October 23, 2008, as received by DES on February 15, 2008.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction,

and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

5. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.

6. The deed which accompanies the sales transaction for each of the lots in the subdivision shall contain condition #5 of this approval.

7. This permit shall not be effective until it has been recorded with the Coos County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.

8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

10. Proper headwalls shall be constructed within seven days of culvert installation.

11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.

13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.

14. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).

15. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

16. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

5. The proposed wetlands impacts are along an existing access road used by the Town for access to a Town Water Tank and historically used as a farm road to pastures.

6. The applicant has received permission from the Town to upgrade the existing road for access to the proposed residential subdivision.

**2007-02962                      DHB INC**  
**PELHAM   Unnamed Wetland**

#### Requested Action:

Dredge and fill a total of 2,882 sq. ft. of palustrine forested/ scrub-shrub wetlands and intermittent streams to construct a roadway with 3 culvert crossings and one driveway crossing to access a 30-lot residential subdivision on a 50-acre parcel of land.

\*\*\*\*\*

#### Conservation Commission/Staff Comments:

No report or comments on this application were received from the Pelham Conservation Commission.

APPROVE PERMIT:

Dredge and fill a total of 2,882 sq. ft. of palustrine forested/ scrub-shrub wetlands and intermittent streams to construct a roadway with 3 culvert crossings and one driveway crossing to access a 30-lot residential subdivision on a 50-acre parcel of land.

With Conditions:

1. All work shall be in accordance with plans by Edward N. Herbert Assoc., Inc. dated March 2007 (last revised 10-2-07), as received by DES on December 19, 2007.
2. This permit is contingent on approval by the DES Alteration of Terrain Program.
3. This permit is contingent on approval by the DES Subsurface Systems Bureau.
4. This permit shall not be effective until it has been recorded with the Rockingham County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
5. NH DES Wetlands Bureau Southeast Region staff and the Pelham Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
6. There shall be no further alteration of wetlands for lot development, driveways, culverts, for septic setback or other construction activities.
7. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
8. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
11. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
13. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
14. Work shall be done during low flow.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(c)&(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00105                      PENNICHUCK WATER WORKS**  
**NASHUA   Unnamed Wetland Harris Pond**

Requested Action:

Dredge and fill a total of 7,621 sq. ft. of palustrine scrub-shrub, emergent wetlands and surface water for work associated with the installation water quality management structures to provide enhanced storm water management and drinking water source protection.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Nashua Conservation Commission recommends approval of the application.

APPROVE PERMIT:

Dredge and fill a total of 7,621 sq. ft. of palustrine scrub-shrub, emergent wetlands and surface water for work associated with the

installation water quality management structures to provide enhanced storm water management and drinking water source protection.

With Conditions:

1. All work shall be in accordance with plans by Comprehensive Environmental Incorporated dated September 2007 (last revised 4-08), as received by DES on July 09, 2008.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and/or further permitting by the Bureau.
3. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
4. NH DES Wetlands Bureau Southeast Region staff and the Nashua Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Work shall be done during low flow.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. This project is in the public interest to provide best management practices for storm water management and drinking water source protection.

**2008-00326                      BEDFORD, TOWN OF**  
**BEDFORD   Unnamed Wetland**

Requested Action:

Dredge and fill 8908 sq. ft. of wetlands for relocation of the Gault Road and Liberty Hill Road intersection.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 8908 sq. ft. of wetlands for relocation of the Gault Road and Liberty Hill Road intersection.

With Conditions:

1. All work shall be in accordance with plans by Bedford Public Works dated February 27, 2008 and narratives by Schauer Environmental Consultants, LLC, as received by DES on February 29, 2008 and narratives by the Town of Bedford dated June 26, 2008, as received by DES on June 30, 2008.
2. Any work outside of the existing Town Road right-of-way or property will require written permission or easements from the landowners and copies of the written permission or easements shall be submitted to DES, Wetlands File No. 2008-00326 prior to



construction.

3. Work shall be done during low flow.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Within three days of final grading in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
11. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
12. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
13. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The new intersection is needed to improve roadway safety.
6. The applicant has indicated that there have been 24 accidents at the existing intersection since the 1990's.
7. The proposed work in wetlands is within the Town Road Right-of-Way, Town Property or in areas they have received landowner permission. Additionally, the permit is contingent on written agreements or easements from landowners where work will be conducted in wetlands outside of the Town Road Right-of-Way or property.

**2008-00537                      BLAKE PROPERTIES OF NH LLC**  
**EXETER    Unnamed Wetland**

Requested Action:

Dredge and fill a 3,750 sq. ft. isolated, man-made wetland on a previously developed site for commercial lot development for a hotel with appurtenant parking, drainage structures and landscaping.

\*\*\*\*\*

Conservation Commission/Staff Comments:

The Exeter Conservation Commission "... has reviewed the application and has no objection."

APPROVE PERMIT:

Dredge and fill a 3,750 sq. ft. isolated, man-made wetland on a previously developed site for commercial lot development for a hotel with appurtenant parking, drainage structures and landscaping.

With Conditions:

1. All work shall be in accordance with plans by MSC Civil Engineers & Land Surveyors, Inc. dated May 9, 2008, as received by DES on July 21, 2008.
2. NH DES Wetlands Bureau Southeast Region staff and the Exeter Conservation Commission shall be notified in writing prior to commencement of work and upon its completion.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-00774                      SANGERMANO, DIANE**  
**PLAINFIELD   Clay Brook**

Requested Action:

Dredge and fill 6,770 sq. ft. of previously disturbed wet meadow wetlands and associated intermittent drainage for construction of a 27,900 sq. ft. wildlife pond within an existing wildlife habitat management field/area.

\*\*\*\*\*

APPROVE PERMIT:

Dredge and fill 6,770 sq. ft. of previously disturbed wet meadow wetlands and associated intermittent drainage for construction of a 27,900 sq. ft. wildlife pond within an existing wildlife habitat management field/area.

With Conditions:

1. All work shall be in accordance with plans and narratives by James S. Kennedy, plan sheets D-3 and D-4 dated May 1, 2008 and plan sheets D-5 and D-6 dated April 1, 2008, narratives dated February 21, 2008, as received by DES on May 12, 2008.
2. Work shall be done during low flow.
3. A New Hampshire Certified Wetland Scientist (CWS) shall monitor the project during construction to assure the pond is constructed in accordance with the approved plans and narratives.
4. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. The project CWS shall prepare a post-construction report documenting the status project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Proper headwalls shall be constructed within seven days of culvert installation.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new

application and further permitting by the Bureau.

13. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid.

Faulty equipment shall be repaired immediately.

14. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.

15. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(e) Construction of a pond with less than 20,000 square feet of impact in a wetland or surface waters, which does not meet the criteria of Env-Wt 303.04(p).

3. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.

4. The proposed pond is a wildlife habitat pond with a 10 foot deep section, shallow marsh section, gravel spawning area and cobble stream bed.

5. The project would have qualified as minimum impact project, however, the wetland area carries intermittent flows through the site.

6. DES Staff conducted a field inspection of the proposed project on June 12, 2008. During the field inspection it was determined that the wetland and associated intermittent stream has been historically impacted from previous, logging, gravel excavation and agricultural practices. Additionally, at the time of the inspection there was no flowing water in or out of the proposed pond site and there was only a small area of visible water within the center of the proposed pond site.

**2008-01384**

**MANCHESTER PARKS CEMETERY & RECREATION DEPT, CITY**

**MANCHESTER Black Brook / Maxwell Pond**

Requested Action:

Approval to remove approximately 380 sq. ft. of an existing dam (i.e., existing concrete gated/sluiice) down to natural ledge at Maxwell Pond Dam on Black Brook in Manchester. The work is being conducted as Phase I in order to lower the existing pond level for Phase II of the project, which entails complete removal of the dam.

\*\*\*\*\*

APPROVE PERMIT:

Approval to remove approximately 380 sq. ft. of an existing dam (i.e., existing concrete gated/sluiice) down to natural ledge at Maxwell Pond Dam on Black Brook in Manchester. The work is being conducted as Phase I in order to lower the existing pond level for Phase II of the project, which entails complete removal of the dam.

With Conditions:

1. All work shall be in accordance with the gate removal only portion of plan sheet #5 by Dubois & King Inc., dated March 10, 2008 and plans and narratives by NHDES Dam Bureau plans dated June 20, 2008, as received by DES on July 21, 2008.

2. This permit is contingent on approval by the DES Dam Safety Program.

3. This approval is only for removal of the concrete gate to natural ledge. The remaining dam removal work will require additional permitting by DES.

4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

5. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.

6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

8. Work shall be done during low flow.

9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.

10. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
11. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The proposed project is phase one of a two phase project to remove Maxwell Pond Dam.
6. The structure was built at the turn of the 20th century and has deteriorated with age and possess a safety hazard and liability for the owner.
7. The existing structure is a migratory barrier to fish species found downstream and in the Merrimack River.
8. The gate is being removed to lower the existing pond water level for phase two of the project, which is anticipated for the winter of 2008-2009.
9. The applicant has been working with NH Fish and Game Department (NHFG) regarding the phased approach. NHFG has requested that the water be lowered before October 1, 2008 to minimize the potential effects on over-wintering biota.
10. The completion of both phases of the project is intended to restore Black Brook with benefits to both water quality and fish migratory passage.
11. This phase of the proposed project does not include any direct impacts to the natural stream bank, bed or associated wetlands.
12. The applicant has requested a waiver to Administrative Rule Env-Wt 301.01.
13. Pursuant to Env-Wt 204 the Department hereby grants the waiver of Wt 301.01 for the following reasons:
  1. Findings 1-11 demonstrate that the project will not have an adverse effect to the environment or natural resources of the state, public health, or safety.
  2. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
  3. The applicant has received local approval and no opposition has been submitted to the Department regarding the project.

**MINIMUM IMPACT PROJECT**

\*\*\*\*\*

**2007-02785                      ROCHESTER, CITY OF**  
**ROCHESTER   Unnamed Wetland**

Requested Action:

Dredge and fill a total of 2,409 sq. ft. of forested wetlands over 4 locations including crossing #1 with 910 sq. ft. of impact; crossing #2 with 753 sq. ft. of impact and installation of a 12" x 30' culvert; 30 sq. ft. of grading edge fill impact; and crossing #3 with 716 sq. ft. and installation of a 12" x 30' culvert, for construction of a driveway to reach a privately owned lot located adjacent to, and accessed through, City of Rochester property.

Waive Administrative Rule Env-Wt 304.04, Setback from Property Lines.

\*\*\*\*\*

Inspection Date: 05/06/2008 by Dori A Wiggin

APPROVE PERMIT:

Dredge and fill a total of 2,409 sq. ft. of forested wetlands over 4 locations including crossing #1 with 910 sq. ft. of impact; crossing #2 with 753 sq. ft. of impact and installation of a 12" x 30' culvert; 30 sq. ft. of grading edge fill impact; and crossing #3 with 716 sq. ft. and installation of a 12" x 30' culvert, for construction of a driveway to reach a privately owned lot located adjacent to, and accessed through, City of Rochester property.

Waive Administrative Rule Env-Wt 304.04, Setback from Property Lines.

With Conditions:

1. All work shall be in accordance with revised plans by Norway Plains Associates Inc., dated 6/3/2008, as received by the Department on 7/1/2008.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No fill shall be done to achieve septic setback and no dredging shall take place that would contradict the DES Subsurface Systems Bureau rules.
4. There shall be no further alteration of wetlands for lot development, driveways, or additional culverts.
5. There shall be no impoundment of drainage adjacent to the driveway on abutting properties as a result of the installation of the driveway, or the permittee or his agent, shall be responsible for determining the cause of the impoundment and for any remediation determined by DES to be necessary.
6. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
7. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Proper headwalls shall be constructed within seven days of culvert installation.
9. Culvert outlets shall be properly rip rapped.
10. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
11. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
12. Work shall be done during low flow.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), projects involving alteration of less than 3,000 sq. ft. of swamps or wet meadows.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. The City of Rochester is applying for a wetlands permit to allow construction of a driveway on the City's property to provide access to a privately owned, single family, buildable, interior lot. When the lot now owned by the City was originally subdivided, frontage was created on the municipal street to provide access to the 18-acre City lot, as well as the single family private interior lot. Wetlands are present on the City's lot which must be crossed at some location in order to access the private lot.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The proposal confines the impacts to the wetland edges and crosses in the narrowest locations; the proposal includes carefully engineered cross culverts and a drainage swale to direct storm water drainage away from abutters into the larger body of the City's lot, thereby eliminating the potential for drainage impacts to abutters.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project. There were no species of concern reported by the NH Heritage Bureau for the project vicinity.
5. The City of Rochester has submitted the application for the proposed driveway crossing to provide access for the private interior lot; the Rochester Conservation Commission did not report further.
6. On 7/1/2008 DES received the applicant's request for a Waiver, pursuant to the requirements of Env-Wt 204, to waive the requirements of Env-Wt 304.04, relative to work within the 20' abutter setback, after being unable to obtain written permission from the abutter.
7. Pursuant to the requirements of Env-Wt 204.04(a)(1)a., DES finds that granting the waiver will not result in an adverse effect to the environment or natural resources of the state, public health, or public safety. The applicant has engineered the proposal to maintain hydrology and properly handle stormwater on the lot post-development, and the permit has been conditioned to require remediation by the applicant should a problem arise. Further, if a waiver was not granted, the applicant could not install an access on

the property that would be capable of supporting emergency vehicle access, resulting in a threat to public health and safety.

8. Pursuant to the requirements of Env-Wt 204.04(a)(1)b., DES finds that granting the waiver will not result in a more significant impact on abutters than compliance with the rule. As stated previously, the applicant has engineered the proposal to maintain hydrology and properly handle stormwater on the lot post-development to eliminate potential drainage impacts to abutters, which was the major stated concern of abutters. Further, if a waiver was not granted, the City of Rochester would be denied access to an 18-acre parcel, and the abutter who owns the private, interior lot, would be denied the access necessary to develop an otherwise buildable lot.

9. Pursuant to the requirements of Env-Wt 204.04(a)(2), DES finds that condition Env-Wt 204.04(a)(2)b., necessary to granting the Waiver, has been met. DES finds that strict adherence to the rule being waived would result in eliminating access, other than as a possible trail, to both the 18-acre City property, and the abutting buildable interior lot. DES finds that elimination of access to these two properties will result in both operational and economic hardship to the applicant and to the owner of the private interior lot.

10. Based on findings 6-9 above, DES grants the applicant a Waiver to rule Env-Wt 304.04.

**2008-00804                      CRONAN, R TODD & ELIZABETH**  
**TAMWORTH   Unnamed Wetland**

**Requested Action:**

Dredge and fill 6,067 sq. ft. of poorly drained wetlands for construction of two adjacent wildlife ponds totaling 20,391 sq. ft. of pond area. The ponds are being constructed in a recently created open field.

\*\*\*\*\*

**APPROVE PERMIT:**

Dredge and fill 6,067 sq. ft. of poorly drained wetlands for construction of two adjacent wildlife ponds totaling 20,391 sq. ft. of pond area. The ponds are being constructed in a recently created open field.

**With Conditions:**

1. All work shall be in accordance with plans and narratives by Forest Land Improvements, Inc., plans dated March 2008, as received by DES on May 16, 2008.
2. Work shall be done during low flow.
3. A qualified professional shall monitor the project during construction to assure the pond is constructed in accordance with the approved plans and narratives.
4. The created field and remaining native woodland buffer between Pond B and the identified vernal noted in the applicant's report by Abenaki Environmental Services, dated June 30, 2008, shall be maintained to prevent possible adverse affects to the vernal pool.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. There shall be no excavation or operation of construction equipment in flowing water.
7. A post-construction report documenting the status project area with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
11. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
12. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
13. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
14. All refueling of equipment shall occur outside of surface waters or wetlands during construction.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04 (p) Construction of a pond with less than 20,000 sq. ft. of wetlands impact, provided:
  - (1) None of the wetlands have very poorly drained soil as defined in Env-Ws 1002.84;
  - (2) There are no streams into or out of the proposed pond site;
  - (3) The project is not located in prime wetlands; and
  - (4) The project does not meet the requirements of Env-Wt 303.02(k);
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Tamworth Conservation Commission (TCC) submitted comments regarding concerns that the proposed ponds may impact the adjacent vernal pool. The TCC requested that DES require the applicant take measures to reduce potential risks to the vernal pool, including work from the upslope side so there is not further disturbance to soil adjacent to the vernal pool, work be vegetated as quick as possible, work be conducted in the dry time of year and that reasonable steps be taken that will minimize disruption to the surface and ground water flows impacting the vernal pool.
6. The permit is conditioned for work to be conducted during low flow and for proper site stabilization techniques. Additionally, the permit is conditioned on maintenance of the existing field and native woodland buffer between the pond and the vernal pool.
7. The applicant had a study of the site conducted by two additional environmental consulting companies, which concluded that the proposed ponds are not likely to have an adverse affect on the hydrology of the identified vernal pool. The study also discussed the protection provided by the existing native woodland buffer and field.
8. Due to the noted protection of the vegetated buffer by the applicant's agents DES conditioned this approval on the maintenance of the existing vegetated buffer between Pond B and the identified vernal pool.

**FORESTRY NOTIFICATION**

\*\*\*\*\*

**2008-01147                      FLAHERTY, LEIGH**  
**COLEBROOK   Unnamed Stream**

COMPLETE NOTIFICATION:  
Colebrook Tax Map R10, Lot# 3 & 4

**2008-01149                      BASCOM, RODNEY & ELIZABETH**  
**NEW HAMPTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
New Hampton Tax Map R4, Lot# 19, 19A & 19B

**2008-01396                      DAVISON, MARK**  
**HENNIKER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Henniker Tax Map 1, Lot# 96C

**2008-01402                      FISK, ALLAN & DAVID MONAGHAN**  
**PLYMOUTH   Unnamed Stream**

COMPLETE NOTIFICATION:

Plymouth Tax Map 218 & 221, Lot# 31 & 63

**2008-01411                      FARM TRUST**  
**TAMWORTH   Unnamed Stream**

COMPLETE NOTIFICATION:

Tamworth Tax Map 422, Lot# 15

**2008-01412                      STAPLETON, HENRY & MARJORIE**  
**BARNSTEAD   Unnamed Stream**

COMPLETE NOTIFICATION:

Barnstead Tax Map 1, Lot# 38

**2008-01421                      YANIS TRUST, BERTHA & RICHARD YANIS**  
**BELMONT   Unnamed Stream**

COMPLETE NOTIFICATION:

Belmont Tax Map 247, Lot# 6 & 7

**2008-01422                      MEADOWSEND TIMBERLANDS LTD**  
**BRADFORD   Unnamed Stream**

COMPLETE NOTIFICATION:

Bradford Tax Map 370 & 434, Lot# 12 & 303

**2008-01423                      GEDDES, MELINDA**  
**DEERFIELD   Unnamed Stream**

COMPLETE NOTIFICATION:

Deerfield Tax Map 409 & 415, Lot# 60, 61 & 50, 51

**2008-01424                      HOWARD, DOROTHY**  
**KEENE   Unnamed Stream**

COMPLETE NOTIFICATION:

Keene Tax Map 914, Lot# 6

**2008-01425                      WASTE MGMT OF NH INC**  
**ROCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:

Rochester Tax Map 267, Lot# 5



**2008-01426                      MITCHELL, NANCY RAE**  
**GILMANTON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gilmanton Tax Map 403, Lot# 24

**2008-01427                      TWITCHELL HEIRS, C/O TOM CARNEY**  
**BERLIN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Berlin Tax Map 111, Lot# 134

**2008-01429                      NORDBECK, ELIZABETH & ANNE SIEVERS**  
**EFFINGHAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Effingham Tax Map 410, Lot# 51, 52 & 53

**2008-01430                      HODSDON, JOHN**  
**MEREDITH   Unnamed Stream**

COMPLETE NOTIFICATION:  
Meredith Tax Map 519, Lot# 64

**2008-01431                      NIENWEJAAR, NIRVANA**  
**GILMANTON IRON WORKS   Unnamed Stream**

COMPLETE NOTIFICATION:  
Gilmanton Tax Map 418, Lot# 50

**2008-01432                      GOSHIN, RON & MELISSA**  
**MIDDLETON   Unnamed Stream**

COMPLETE NOTIFICATION:  
Middleton Tax Map 1, Lot# 8-1 & 8-2

**2008-01433                      ANDORRA FOREST**  
**STODDARD   Unnamed Stream**

COMPLETE NOTIFICATION:  
Stoddard Tax Map 410, Lot# 6

**2008-01434                      CASPERSEN, FINN**  
**DORCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Dorchester Tax Map 19, Lot# 875

## EXPEDITED MINIMUM

\*\*\*\*\*

**2008-00834**                      **CONNOLLY, JAMES/JEAN**  
**NEW LONDON**   **Unnamed Wetland**

### Requested Action:

Dredge and fill approximately 300 sq. ft. of palustrine forested wetlands for driveway access to a single family residence.

\*\*\*\*\*

### APPROVE PERMIT:

Dredge and fill approximately 300 sq. ft. of palustrine forested wetlands for driveway access to a single family residence.

### With Conditions:

1. All work shall be in accordance with plans by Clifford P. Richer dated May 12, 2008, as received by the DES Wetlands Bureau on May 23, 2008 and email correspondence dated July 07, 2008, as received by the DES Wetlands Bureau on July 07, 2008.
2. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.
3. The Department has determined that this project is in the vicinity of an impaired waterbody. Therefore stormwater runoff treatment for this project shall be designed and constructed so that the stormwater pollutant loads from the completed project are no greater than the stormwater pollutant loads that existed prior to the project for all pollutants causing impairment which are likely to be in stormwater discharged from the completed project.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during low flow conditions.
6. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
7. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
8. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
9. Proper headwalls shall be constructed within seven days of culvert installation.
10. Culverts shall be laid at original grade.
11. The contractor responsible for completion of the work shall utilize techniques described in the DES Best Management Practices for Urban Stormwater Runoff Manual (January, 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August, 1992).
12. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

### With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(z), installation of a culvert or bridge and associated fill to permit vehicular access to a piece of property for a single family building lot or for noncommercial recreational uses.
2. The lot was created in 1979 (approval # 15392).
3. The Applicant's Agent confirmed additional subdivision of the lot is not planned.
4. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
5. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.

6. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-01181                      LANTERNS ON THE BAY, DAWN DILLON**  
**LACONIA   Paugus Bay**

**Requested Action:**

Replace 40.5 linear ft of stone retaining wall on an average of 88 ft of frontage along Paugus Bay, on Lake Winnepesaukee.

\*\*\*\*\*

**APPROVE PERMIT:**

Replace 40.5 linear ft of stone retaining wall on an average of 88 ft of frontage along Paugus Bay, on Lake Winnepesaukee.

**With Conditions:**

1. All work shall be in accordance with plans by Watermark Marine Construction dated June 6, 2008, as received by DES on June 30, 2008 and cross sections by Watermark Marine Construction dated May 30, 2008, as received by DES on June 30, 2008.
2. No work is authorized to any structure on the frontage other than the specified wall. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. All construction related debris and undersized stone not re-used in the wall replacement shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. The replacement of the wall shall maintain same size, height, location, and configuration as the pre-existing wall.
5. Retaining wall shall be re-constructed within, or landward of the footprint of the pre-existing wall so as not to create land in public water.
6. Work shall be done during low water conditions.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(v), replacement of existing structures in-kind.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. 3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2008-01188                      CATHEDRAL ESTATES PROPERTY OWNERS ASSOCIATION, CYN**  
**RINDGE   Emerson Pond**

**Requested Action:**

Replenish an existing beach with 10 cubic yards of sand on Emerson Pond, Rindge.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com signed Exp Application

**APPROVE PERMIT:**

Replenish an existing beach with 10 cubic yards of sand on Emerson Pond, Rindge.

**With Conditions:**

1. All work shall be in accordance with plans as received by DES on June 30, 2008.

2. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
4. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
5. This permit shall be used only once, and does not allow for annual beach replenishment.
6. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(aa), replenishment of a beach.

**2008-01227                      WATSON LAKEFRONT DEVELOPMENT LLC**  
**MOULTONBOROUGH   Lake Winnepesaukee**

Requested Action:

Construct a 475 sq ft perched beach with 5 ft wide access steps to the waterbody on Lake Winnepesaukee, Center Harbor.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Construct a 475 sq ft perched beach with 5 ft wide access steps to the waterbody on Lake Winnepesaukee, Center Harbor.

With Conditions:

1. All work shall be in accordance with plans by Ames Associates revision dated July 23, 2008, as received by DES on July 31, 2008.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
3. Dredged or excavated material shall be placed outside of the DES Wetlands Bureau jurisdiction.
4. Stone placed along the beach front for the purpose of retaining sand shall be placed above and/or landward of those rocks currently located along the normal high water line (Elevation 504.32). Those rocks existing at the normal high water line shall remain otherwise undisturbed such that the natural shoreline remains identifiable.
5. The steps installed for access to the water shall be located completely landward of the normal high water line.
6. No more than 10 cu. yds. of sand may be used and all sand shall be located above the normal high water line.
7. This permit shall be used only once, and does not allow for annual beach replenishment.
8. The permittee shall provide appropriate diversion of surface water runoff to prevent erosion of beach area.
9. Revegetation of trees, shrubs and ground covers representing the density and species diversity of the existing stand of vegetation removed for this project shall begin at a distance no greater than 5 feet landward from the beach area.
10. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, per RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(d), construction of a beach.

## PERMIT BY NOTIFICATION

\*\*\*\*\*

**2008-01377                      ANVARI, ELISABETH MARIE**  
**WEST CHESTERFIELD   Connecticut River**

### Requested Action:

constuct a 12 ft x 20 ft dock.

\*\*\*\*\*

### PBN DISQUALIFIED:

constuct a 12 ft x 20 ft dock.

### With Findings:

1. 12 ft x 20 ft nonconforming dock installation does not qualify for PBN review.

## CSPA PERMIT

\*\*\*\*\*

**2008-01277                      WHEATON, NANCY & NORMAN**  
**HEBRON   Newfound Lake**

### Requested Action:

Expand a primary structure on property with approximately 635 ft of frontage along the Cockermouth River in Hebron.

\*\*\*\*\*

### APPROVE PERMIT:

Expand a primary structure on property with approximately 635 ft of frontage along the Cockermouth River in Hebron.

### With Conditions:

1. All work shall be in accordance with building plans by Barnard Survey Associates dated June 1, 2005 and received by the Department of Environmental Services ("DES") on July 10, 2008.
2. No more than 3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
4. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
5. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.

### With Findings:

1. The project shall not impact wildlife identified as sensitve species by the NH Natural Heritage Bureau as there are impacts proposed within the 50 ft waterfront buffer or within jurisdictional wetlands.

**2008-01291 HOPWOOD, WILLIAM**  
**NEW LONDON Pleasant Lake**

Requested Action:

Expand an existing primary structure and driveway located within the protected shoreland on property with approximately 3.6 acres adjacent to Pleasant Lake in New London.

\*\*\*\*\*

APPROVE PERMIT:

Expand an existing primary structure and driveway located within the protected shoreland on property with approximately 3.6 acres adjacent to Pleasant Lake in New London.

With Conditions:

1. All work shall be done in accordance with building plans by CLD Consulting Engineers dated June 2008 and received by the Department of Environmental Services ("DES") on July 15, 2008.
2. No more than 17.01% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave at least 9,090 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state.
4. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material

With Findings:

1. The project shall not impact wildlife identified as sensitive species by the NH Natural Heritage Bureau as there are no impacts proposed within the 50 ft waterfront buffer or within jurisdictional wetlands.

**CSPA PERMIT W/WAIVER**

\*\*\*\*\*

**2008-01292 TYCO INTERGRATED CABLE SYSTEMS INC**  
**NEWINGTON Piscataqua River**

Requested Action:

Expand an existing conforming primary structure within the protected shoreland on property with approximately 48.95 acres on the Piscataqua River in Newington.

\*\*\*\*\*

APPROVE PERMIT:

Expand an existing conforming primary structure within the protected shoreland on property with approximately 48.95 acres on the Piscataqua River in Newington.

With Conditions:

1. All work shall be in accordance with building plans by MSC Civil Engineers & Land Surveyors, Inc. dated June 23, 2008 and received by the Department of Environmental Services ("DES") on July 15, 2008.
2. This project shall result in no increase to the existing area of impervious surface.
3. There shall be no impacts to areas within the natural woodland buffer that are currently in an unaltered state.
4. All activities conducted in association with the completion of this shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
5. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
6. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
8. Any fill used shall be clean sand, gravel, rock, or other suitable material.